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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/829,154	04/22/2004	Takashi Aketa	0171-1087PUS1	5733
2292 7590 05/11/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER FISCHER, JUSTIN R	
			ART UNIT	PAPER NUMBER
			1733	
			NOTIFICATION DATE	DELIVERY MODE
			05/11/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/829,154

Applicant(s)

AKETA ET AL.

Examiner

Justin R. Fischer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 11-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 27, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-7 and 11-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Admitted Prior Art in view of Takuman (EP 1225211, of record) and Simizu (US '140, of record).

The APA discloses a method of preparing an air bag, said method comprising: furnishing a pair of base fabric pieces impregnated and/or coated with silicone rubber, laying the pieces one on the other with the coated surfaces of the pieces inside, and bonding or stitching peripheral portions of the pieces together to form a bag (Page 1, Lines 17-22). The APA is silent as to the specific bonding means. Takuman discloses an addition reaction adhesive having an elongation at break of at least 1000 % (Table 1)

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for bonding silicone rubber, wherein said adhesive comprises an organopolysiloxane, and organohydrogenpolysiloxane, and a platinum group metal catalyst. One of ordinary skill in the art at the time of the invention would have found it obvious to use the adhesive of Takuman in the method of the APA (bonding step) because said adhesive is described as providing superior adhesion to silicone coated materials (Paragraph 36).

As to the inclusion of aluminum hydroxide, the adhesive composition of Takuman can include aluminum hydroxide (Paragraph 20)- while the reference fails to expressly describe the use of aluminum hydroxide "powder, such an inorganic filler is conventionally used in adhesives as a powder, as shown for example by Simizu (Column 4). Thus, one of ordinary skill in the art at the time of the invention would have found it obvious to include the aluminum hydroxide as a powder.

Regarding claim 2, Takuman discloses a method wherein the aluminum hydroxide has been surface treated with a surface treating agent selected from the group comprising fatty acids, resin acids or organosilazanes and alkoxysilanes (Page 4, Lines 30-31).

As to claim 3, the claimed range is consistent with the dimensions of aluminum hydroxide powder used in adhesive compositions, as shown for example by Simizu (Column 4, Lines 44-45). It is further noted that the claimed particle sizes, as suggested by Simizu, result in a smooth surface and appearance after curing.

Regarding claim 4, the adhesive composition of Takuman includes an organopolysiloxane resin having siloxane units containing alkenyl radicals and siloxane units of the formula $\text{SiO}_{4/2}$ in a molecule (Page 2, Line 55).

With respect to claim 5, Takuman discloses a method wherein a silicone rubber adhesive further comprises an alkoxysilane or a partial hydrolytic condensate thereof (Page 4, Line 21).

As to claims 6 and 7, Takuman discloses a method wherein the composition further comprises an organic titanium compound (Paragraph 21).

With respect to claims 11 and 18, the claim as currently drafted does not exclude the presence of other inorganic fillers.

Regarding claims 12-17, one of ordinary skill in the art at the time of the invention would have recognized the broad range of the claimed invention as being consistent with the loadings conventionally used with additives, including inorganic fillers. Absent any conclusive showing of unexpected results, one of ordinary skill in the art at the time of the invention would have found it obvious to include aluminum hydroxide powder in accordance to the claimed invention.

Response to Arguments

4. Applicant's arguments filed April 27, 2007 have been fully considered but they are not persuasive.

Applicant argues that the composition of Takuman attains the adherence by employing calcium carbonate as an essential component. It is agreed that calcium carbonate is an essential component in the adhesive of Takuman. However, the claims (particularly claim 1) as currently drafted simply require an adhesive composition comprising, among other things, aluminum hydroxide powder. As agreed by applicant, the adhesive composition of Takuman may include aluminum hydroxide (Page 7).

Thus, the adhesive composition of Takuman includes each of the 4 components required by the claimed invention (i-iv). It is emphasized that the claims as currently drafted do not exclude the presence of calcium carbonate.

In regards to Simizu, the reference is provided to evidence the form of aluminum hydroxide when it is included in adhesive compositions. In this instance, the adhesive composition of Takuman does contain aluminum hydroxide- the rejection does not involve the modification of Takuman to include aluminum hydroxide (in general) based on the teachings of Simizu.

Lastly, as set forth in the rejection above, the language of claim 11 does not exclude the presence of additional inorganic fillers, such as calcium carbonate.


Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Justin R. Fischer** whose telephone number is **(571) 272-1215**. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on (571) 272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Justin R Fischer
Primary Examiner
Art Unit 1733

JRF
May 7, 2007